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A RESOLUTION OF THREE Matrimonial CASES;

VIZ.

I. Whether it be Lawful for a Man to Marry his deceased Wife's Sister's Daughter?
II. Whether the half-blood make Kindred?
III. Whether such a Marriage being made, it ought to be dissolv'd or no?

By *John Turner*, late Fellow of *Christ's-Colledge* in *Cambridge*.

Ἀρκεῖ εἰ τὰ μὲν ὀ χείρω.

Be ready always to give an answer to every Man that asketh you a reason.

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THE

Preface.

THE Three Queries here reſolved were ſent to me upon the Thirtieth of *Jan.* laſt, I know not well from whom they came, and it ſeems he that ſent them did not think it worth his while to call for an anſwer. However becauſe the reſolution proceeds upon ſuch

Principles, as may be applyed to any other Caſe of this nature, ſo that every Man may eaſily diſcern hereafter for himſelf, what is lawful or unlawful in theſe Caſes, therefore I thought it convenient to make it publick. Farewell.

A RESOLUTION OF THREE Matrimonial CASES.

Queſt. I. *Whether it be a lawful Marriage for a Man to Marry his deceaſed Wife's Siſter's Daughter, or no?*

Queſt. II. *Whether being but of the half blood do not make Kindred?*

Queſt. III. *If ſuch a Marriage be made already, whether it be better that they part, or not?*

FOR the Firſt of theſe Queries, it appears by the Third, which is concerning Divorce in Caſe of an unlawful Marriage, that it is to be underſtood of a Marriage, *ex Antecedenti* lawful or unlawful, that is to ſay, whether it be lawful for a Man to endeavour a

Marriage, or to enter into a Matrimonial Contract in order to it, with one who ſtands related to him in the degree mentioned in the ſaid Query. And to this I Anſwer, That it is not lawful, and I conceive its unlawfulneſs to be demonſtrable from that prohibition in the Eighteenth of *Leviticus*, *v.* 14. *Thou ſhalt not uncover the nakedneſs of thy Father's Brother, thou ſhalt not approach to his Wife, ſhe is thine Aunt*, which is again repeated, *c.* 20. *v.* 20. *If a Man ſhall lye with his Uncles Wife, he hath uncovered his Uncles nakedneſs: they ſhall bear their ſin, they ſhall die Childleſs.*

For if it be unlawful for a Man to Marry his Aunt, the Wife of his Father's Brother, then it is likewiſe unlawful for a Woman to Marry her Uncle, the Husband of her Mothers Siſter, becauſe theſe two Relations are, as to nearneſs of Kin, exactly the ſame, ſo that all the Queſtion is, whether in Matrimonial Caſes we are to ſtick to the letter of the *Levitical* Law, or whether parity of reaſon be of neceſſity to be admitted? And I do humbly conceive the latter of theſe to be true, and I offer theſe following reaſons for my opinion.

Firſt,

Firſt, The fundamental reaſon of all theſe Prohibitory Laws is nearneſs of Kin. *Levit.* 18. 6. *None of you ſhall approach to any that is near of Kin to him, to uncover their nakedneſs*, from whence it follows, that if in two Caſes given, the nearneſs of Kin be in both exactly the ſame, the reaſon of the Law, and by conſequence its Obligation, is in both Caſes equally concerned.

Secondly, I appeal to the conſtant and univerſally received opinion of the Jewiſh Rabbins, and to the practice of that Nation which is founded upon it, for in the Matrimonial Tables of the Jews, which are much more particular then that of *Moſes*, the additional Prohibitions that are to be met with in them, are altogether grounded upon parity of reaſon, as may be ſeen in Mr. *Selden* in his *Uxor Hebraica*, and in his *De jure naturali & gentium juxta diſciplinam Hebræorum*, where he hath given an account of all thoſe Prohibitions out of *Maimonides*, and the *Jewiſh Talmud.*

Thirdly, It is to be conſidered, that theſe Prohibitions, were not of a purely *Moſaick*, that is, a Typical, Umbratick and alterable Nature, but that they were built upon the reaſon of things, and

the unchangeable Intereſt of Mankind, for the propagation of Intereſts and Dependencies, and for the ſpreading and continuance of Friendſhip among Men, which reaſon being altogether equal and the ſame, equally violated on the one hand, or gratified on the other, in the Marriage of an Aunt to the Nephew, or of an Uncle to the Niece, it is manifeſt, that the Law-giver proceeding upon this reaſon, (and there can be no other tolerable reaſon of theſe Prohibitions aſſigned) did intend equally to prohibit both, if he have prohibited either of them; otherwiſe we muſt ſuppoſe one of theſe two things; Either that *Moſes*, that is, in effect, God himſelf did not ſufficiently underſtand and comprehend the full Extent and Latitude of that reaſon upon which the Prohibitions were founded, or elſe that the reaſon of thoſe laws may be violated from time to time, and from age to age, in a thouſand myriads of inſtances, with the conſent of the Law-giver himſelf, by which means it would come to paſs, if it were lawful for an Uncle to marry the Niece, though the Marriage of an Aunt with her Nephew were forbidden, that whatever the advantage was, which was intended by the prohibition of the latter to be procured to the World,

World, that advantage by the licence of the former would be but half obtained; and on the other ſide, whatever the diſadvantage or detriment was, which was deſigned to be avoided or prevented, that diſadvantage would be but half redreſſed; now both of theſe things being equally abſurd and impious to ſuppoſe, it follows likewiſe upon this Third conſideration, as well as the two former, that in the *Moſaick* Prohibitions a parity of reaſon, and a Paralleliſm or Sympathy of Caſes is of neceſſity to be admitted.

Fourthly, If there had been liberty ſtill allowed, after it was prohibited for an Aunt and her Nephew to intermarry together, yet notwithſtanding for an Uncle and his Niece to do it, and ſo in other parallel inſtances that might be given, this would have been a very great and a very plauſible pretence for diſobedience, it would have been an occaſion of frequent murmuring, and repining in the Parties that were prohibited to Marry, when others, as to nearneſs of blood, exactly in the ſame circumſtances with themſelves, were to the ſcandal of all Law and Juſtice, and without the leaſt color of Equity indulged; ſo that there being not only in both inſtances the very

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ſelf ſame reaſon, but it being likewiſe neceſſary to the due effect of the Prohibition expreſt, that it ſhould be extended to the Prohibition imply'd by parity of reaſon, it follows that it was actually extended ſo far, and to ſay otherwiſe, is to accuſe the Divine Juſtice and Wiſdom together.

It would be to accuſe the Divine Wiſdom, as if God wanted foreſight, and did not pry ſufficiently into the natural iſſue and reſult of things, by making a Law to a ſtubborn and refractory people, which even the moſt obedient might very juſtly complain of, and by conſequence had a plauſible pretence to diſobey, and it would be at the ſame time to tax him with want of Juſtice, which is every whit as eſſential and congenerous to his nature, for what can be more unjuſt, then to make it death for a Man to lie with the Mother of his Wife, and yet to leave it perfectly at liberty, for a Man to lie with his own Daughter? And yet this is no where forbidden, unleſs it be by parity of reaſon, except it be *Levit.* 18. 17. *Thou ſhalt not uncover the nakedneſs of a Woman, and her Daughter*, but that is manifeſtly to be underſtood of ſuch a Daughter, as was born to that Woman by another Husband,

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and therefore ſhe is called *her* Daughter, by which it is implyed and ſuppoſed that ſhe was not *his*; and the ſame prohibition is expreſt in other words, *Lev.* 20. 12. *If a Man lie with his Daughter in Law,* (that is, his Wife's Daughter) *both of them ſhall ſurely be put to death,* or except it be pretended to be forbidden, *Lev.* 20. 14. *If a Man take a Wife and her Mother, it is wickedneſs, they ſhall be burnt with fire, both he and they.* For in this Caſe if a Man commit Inceſt with his own Daughter, or if he ſhould Marry her, ſo as to make her his Wife, he muſt of neceſſity have lain both with Mother and Daughter. But this place is alſo to be underſtood of the Mother of that Wife by ſome other Husband, therefore *Moſes* calls the Daughter his *Wife*, that is, his *lawful* Wife, and the fault was not in lying with the Daughter, but the Mother, after he had been joyned in Marriage to the Daughter. And this Prohibition is as it were the reverſe and counterpart of that other which hath been mention'd out of *Levit.* 18. 7. and *c.* 20. 12. For in the two former places it is forbidden, for a Man to Marry the Mother and lie with the Daughter, and in the latter it is forbidden, for a Man to Marry the Daughter

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and commit Incest with the Mother. And by these two places compared together, it is still further evident, that the Law of *Moses* is in these cases to be explained and interpreted by parity of reason, for this was the reason of prohibiting, first the enjoyment of the Mother and the Daughter in the descending line, and then of the Daughter and Mother in the ascending, because the Relation is exactly the same in both Cases, and by consequence it is in both Cases equally unlawful, which is to argue by parity of reason, which if it be admitted as a measure of procedure in one Case, the equity and justice of proceeding after the same manner is the same in all.

But on the contrary, if we are no where to extend the intention and obligation of the law of *Moses* beyond the letter of it, then it will be *Levitically* lawful for a Man to Marry his own Daughter, because this is no where expressly forbidden, but consequentially it is, for if it be unlawful for a Man to lie with his Daughter in Law, that is, his Wives Daughter, it is much more unlawful for him to do it with his own. If it be forbidden, as it is, *Lev.* 18. 10. for a Man *to uncover the nakedness of his Sons Daughter*,

ter, or his Daughter's Daughter, that is, of his Grand-child, it is supposed much more that it is by that very Prohibition intentionally forbidden, for him to uncover the nakedness of his own. So likewise it is forbidden for a Man to Marry his half-Sister either by Fathers or Mothers side, *Lev.* 18. 9. *The nakedness of thy Sister, the Daughter of thy Father, or Daughter of thy Mother, whether she be born at home or born abroad, even their nakedness thou shalt not uncover.* But yet it is no where in express terms forbidden for a Man to Marry his own Sister, born of the same Father and Mother, which yet notwithstanding hath been looked upon by Jews and Christians, as well the one as the other, and both of them universally, without any one exception, to be *Levitically* prohibited and unlawful, because the same reason, whatsoever it is, which forbids the Marriage of the half-Sister, is much more strong and powerful against an incestuous conjunction with the whole; so that it appears plainly not only that it is necessary in it self, that the argument *à pari*, or *à potiori*, should be admitted in these Cases, but that in some of them it is universally done, and there is the same reason why it should be so in all.

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Which may render my Fifth and Last consideration in a manner useless, which is, that God being so highly displeased with the *Amorites* and other Nations, as utterly to extirpate them from off the face of the Earth, and give their Land for an Inheritance to *Israel* his People, and being so displeased at the Abom nations themselves, for which these Nations were extirpated and rooted out, that the sanction of several of the *Levitical* Prohibitions was certain and unavoidable death, in the most publick manner, in the face and open view of the whole Congregation; this ought to teach us not only to admit a parity or potiority of reason, when they lie so naturally and so fairly in our way, that we cannot without blushing pretend to shun or avoid them, but rather then restrain our obligation to the Divine Law, within too narrow bounds, to exceed on the other hand by a pious mistake, instead of falling short out of a spirit of presumption, which is an offence to God, when it hath not modestly, dutifully and impartially considered things, though it should happen to determine rightly as to the matter or the instances of obedience. And this is my first answer to the Question proposed, concerning the Marriage of an Uncle with

with his Niece, which is drawn from the parity or similitude of the Case to the Marriage of an Aunt with her Nephew.

But Secondly, It is, I presume, agreed on all hands, that it is unlawful for a Nephew to intermarry with his Fathers or Mothers own Sister, the *Amita* or *Matertera*, the Consanguineous Aunt by the Fathers or Mothers side, and it is, I think, as universally determined, that it is unlawful for an Uncle to Intermarry with his Niece, the Daughter of his own Brother or Sister; and this was certainly the Old *Roman* Law till *Claudius* procured it to be abrogated by the Senate, to excuse and justifie an incestuous Passion for his beloved *Agrippina*, but yet this was looked upon by all to be so foul and abominable a thing, that the example was not followed in that age by any more then one, as *Tacitus* informs us, or two at the most, as *Suetonius* would have it, and they also did it rather out of Complaisance and Flattery to *Agrippina*, at whose instance it was done, then out of any natural inclination in the Contracting parties; and for the same reason, because of its Turpitude and Incestuous nature, it was repealed by *Nerva*, and though it were afterwards restored

ſtored by *Adrian*, and encouraged after that, by the example of *L. Antoninus Cæſar*, who Married his Niece *Lucilla* the Daughter of his Brother *M. Aurelius Antoninus* the Philoſopher, yet it always remained inceſtuous, and prohibited by the Laws of the Empire, for a man to Marry his Siſter's Daughter, though he were allowed to Marry the Daughter of his Brother; the reaſon of which was, that though in Laws well conſtituted, for a bar to concupiſcence, and for the ſpreading of Friendſhips, a parity of Caſes ought to be allowed, yet the violation of a law in one Caſe, ought not by any means to be drawn into Precedent or Example to the violation of it in another, ſo that it being naturally or politically unlawful or inconvenient for a Man to Marry the Daughter of his Brother, it was ſtill more reaſonable to confine the Interpretation of the *S. C. Claudianum*, by which it was provided *de futuro* that ſuch Marriages ſhould be deemed lawful, to the letter of the law it ſelf, ſo as the priviledge ſhould not be extended to the Niece deſcending from the Siſter.

Now it is to be noted that both by the *Jewiſh* and the *Roman* Law, Affinities and Conſanguinities were equally forbid-

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den and to the ſame degrees; as for the *Roman* Law, it is ſo plain, ſo frequently inculcated, and ſo univerſally acknowledged by all the Ancient *Civilians* that it is to no purpoſe to go about to prove it; and that it was ſo in the *Jewiſh*, I prove by theſe following Texts, *Lev.* 18. *v.* 8. *The nakedneſs of thy Fathers Wife ſhalt thou not uncover, it is thy Fathers nakedneſs*; that is, it is the ſame thing in the Interpretation of Law, as if a Man had uncovered the nakedneſs of his own Mother, his Father and his Mother in Law being united, as it were, into the ſame perſon, in the ſame manner as his own Mother and his Father were. Again, *v.* 15. *Thou ſhalt not uncover the nakedneſs of thy Daughter in Law, ſhe is thy Sons Wife*; that is, ſhe is to be reputed as ſtanding in the ſame nearneſs of relation to you, with your Son himſelf, and by conſequence it is, in the eye of the Law, the ſame thing, as if you had uncovered the nakedneſs of your own Daughter; for a Son and a Daughter are the ſame as to nearneſs of blood, or diſtance from their common Parent. So alſo *v.* 16. *Thou ſhalt not uncover the nakedneſs of thy Brothers Wife, it is thy Brothers nakedneſs*; that is, it is the ſame thing as if

you had been guilty of uncleanneſs, with your own Siſter, for a Brother and a Siſter are in relation the ſame. Laſtly, *v.* 14. which I mention laſt, becauſe I intend to make the moſt particular application of it, *Thou ſhalt not uncover the nakedneſs of thy Fathers Brother, thou ſhalt not approach to his Wife, ſhe is thine Aunt*; that is, by having been joyned in Marriage to your Fathers Brother, it is the ſame thing as if ſhe had been your Fathers own Siſter, ſo that the reaſon why a Man might not approach to his Aunt in Affinity or by Marriage, was, becauſe the Aunt in conſanguinity or by blood was forbidden, and becauſe of the legal analogy and reſemblance of the one to the other; but now by the ſame reaſon that an Aunt by conſanguinity may not Marry her Nephew, an Uncle in the ſame nature may not Marry his Niece, becauſe the diſtance in both Caſes is exactly the ſame, and if Affinities and Conſanguinities go hand in hand, as well by the *Moſaick* as the *Roman* Law, and if they are forbidden to the ſame degrees, and by reaſon of their reſemblance and analogy to the alliances by blood, by reaſon of Man and Wife's being the ſame Fleſh, and legally united into the ſame perſon, then is a Man forbidden by the

Levitical

Levitical Law to Marry his Niece by Affinity, which is the Caſe propoſed.

The Second Query is, Whether being but of the half-blood do not make kindred? To which my Anſwer is affirmative that it does, becauſe though the legal Nearneſs of a Siſter-in-Law, and a Siſter by both Parents be the ſame, ſo far as the Matrimonial Prohibition is concerned, yet the natural Nearneſs is greater in an half Siſter, then in a Siſter by Affinity, and therefore it ſeems reaſonable if the one be forbidden, that is to ſay, the Siſter by Affinity, the Siſter *German*, or *Uterine*, by Father or Mothers ſide, is much more; and to this it is to be added, that all along before the giving of the Law, the half Siſter, deſcended of the ſame Mother, was always accounted as ſacred, and as indiſpenſably prohibited in Marriage as the whole Siſter her ſelf, that is, ſhe was in the interpretation of Law looked upon as an whole Siſter, as *Abraham* ſaid concerning *Sarah* his Wife, in his Apology to *Abimelech* the King of *Gerar*, *She is the Daughter of my Father, but not the Daughter of my Mother*, implying thereby, as I conceive, that if ſhe had been his Siſter by the Mothers ſide, it had not been Lawful for him according to the

opinion and usage of those times to take her to Wife; but without any elaborate canvassing the business, this query is sufficiently answered by comparing these two places together, *Levit* 18. 6. it is said, *None of you shall approach to any that is near of Kin to him, to uncover their nakedness*, and *v.* 9. *The nakedness of thy Sister, the Daughter of thy Father, or the Daughter of thy Mother, whether she be born at home, or born abroad, even their nakedness thou shalt not uncover.* From whence it is manifest, from comparing the latter place with the former, that the *half-Sister* is *near of Kin*, and consequently that the *half-blood* makes *Kindred*, therefore a Mans Wife's half-Sister is to be looked upon as his Wife's Sister; and because Affinities and Consanguinities in the Practice and Interpretation of Law are the same, therefore his Wife's Sister is to be looked upon as his Sister, and her Daughter is the same thing as his Niece, the Daughter of his own Sister, to whom he is in the language of the Civil Law, *parentis loco*, and therefore ought not to Marry her, and if a Mans Grand-child be forbidden him in Marriage by the *Levitical* Law it self, upon this reason which must be acknowledged to be implyed

plyed in the Prohibition, becauſe he cannot Marry his Daughter, then it ſeems reaſonable in this Caſe alſo, that if a Man cannot Marry the Mother, his Wife's half-Siſter, he cannot Marry the Daughter neither, who is immediately deſcended from her, and it is certain in the Civil Law, that in the collateral as well as the direct line the *aſcendentes* and *deſcendentes* are prohibited *in infinitum.*

It remains now only, that I conſider the Third Query, which is this, *Whether the Marriage propoſed being made, it be better for them to part, or no?*

To which I Anſwer Firſt, That in ſome Caſes it is neceſſary according to the Chriſtian Doctrine, which is very tender of Divorces, and with a great deal of reaſon, that a Divorce be made, or a worſe puniſhment inflicted, as is manifeſt from the Caſe of the *inceſtuous Corinthian*, who had Marryed his Fathers Wife.

Secondly, In all ordinary Caſes our Saviour's rule holds good, and ſhews withall how extreamly tender the Goſpel is of divorces, *Matth.* 5. 32. *Whoſoever putteth away his Wife, ſaving only for the cauſe of Fornication, cauſeth her to commit Adultery: and whoſoever ſhall marry her that is divorced, committeth Adultery.*

From whence it follows, that if it be a doubtful Case, whether the Marriage now under consideration be *ex post Facto*, lawful or no, though it be granted to be unlawful *ex Antecedenti* that the doubt ought to be resolved in favour of the Marriage, and in confirmation of it.

Thirdly, If the Parties concerned in the above written Queries, have not yet consummated their Marriage by the *copula carnalis*, I am humbly of opinion that they ought to separate for the prevention of scandal to themselves, and of example to others.

Fourthly, That it being but a single instance, in which many Families are not concerned, this may seem to incline to a divorce, because the publick can receive no prejudice by the separation, though by the evil precedent and example it may.

But yet Fifthly, If there be any such thing to be admitted as a *casus favorabilis*, I am of opinion this is it, because it is placed *in confinio liciti*, it being at the farthest distance in which it is practically possible for a Man to Marry from himself, in his own descending collateral Affinity, though the Civil Laws to make the matter more sure, have forbidden such Marriages *in infinitum*. Sixthly,

Sixthly, That if the Marriage be conſummated as aforeſaid, it is ſtill more favourable in the behalf of the Parties, eſpecially if any Iſſue have been brought forth or conceived, and in both theſe Caſes, eſpecially the latter, the ſcandal and inconvenience is greater if they part then if they continue together.

Seventhly, If any Iſſue ſhould follow upon this Marriage, it is certain that the Act of Parliament hath not in expreſs words declared ſuch Iſſue to be Spurious or Illegitimate, and it ſeems ſomewhat ſtrange for two perſons to ſeparate upon account of an unlawful Marriage, who having conſummated the ſaid Marriage by mutual enjoyment, either have at preſent, or may have hereafter lawful Iſſue deſcended from them.

Eightly, Albeit Affinity and Conſanguinity be in the Interpretation of the Law the ſame, and the half and whole Siſter equally Prohibited, yet in truth and reality the *affinis* is not ſo near of Kin as the *conſanguineus*, nor the half Siſter as the whole.

Ninthly, That there hath been and ought to be favour ſhewn in Matrimonial Caſes, notwithſtanding that the letter of the Law hath been ſometimes violated

and affronted by them, I will inſtance in the buſineſs of *Poligamy*, which was forbidden by the Law of *Moſes* in theſe words, *Lev.* 18. 18. *Neither ſhalt thou take a Wife to her Siſter to vex her, to uncover her nakedneſs, beſides the other in her life time*, for this cannot be underſtood of a Siſter properly ſo called, for it was certainly Prohibited by the *Levitical* Law, for a Man to Marry two Siſters, either both together, or one after the other; for by the ſame reaſon that it was unlawful for a Man to Marry his Brothers Wife after the deceaſe of his Brother, unleſs when he dyed Childleſs, to redeem the Inheritance, by the very ſame reaſon it muſt be unlawful for the Siſter to Marry the Siſters Husband after her deceaſe, becauſe the Relation is exactly the ſame in both Caſes. But the meaning was, that though the *Jews* were allowed to keep Concubines as *Abraham* did, and from thence the Concubinage among the *Romans* was derived, yet it was unlawful to Marry more Wives that ſhould be *æquo jure*, with one another, that ſhould have an equal power in the Family, and ſhould all of them be the Mothers of Heritable Iſſue, becauſe this would be the occaſion of ſtrife and contention betwixt them, and render

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the Family troubleſome and uneaſie, but yet we know that notwithſtanding this, ſuch Marriages were practiſed under the Law, and yet no Divorce enſued. *David* was one example of it, and *Elkanah* the Father of *Samuel* another; the one a Man after Gods own Heart, to whoſe charge nothing is laid but the matter of *Uriah*, and the other a juſt Man, and of a clear reputation. And God foreſeeing in his wiſdom, how difficult it would be to wean the *Jews* of this liberty of taking more Wives then in ſtrictneſs of Law it was permitted them to do, did therefore make an expreſs proviſion as to the Inheritance, in the Caſe of *Polygamy*, *Deut.* 21. *v.* 15, 16, 17. by which it was enacted, that the double portion was always to fall to the ſhare of the Eldeſt Son, upon which ſoever of the Wives he was begotten, and when the Goſpel enjoyns that a *Biſhop* and a *Deacon* ſhould be the *Husband of one Wife*, it is not to be underſtood as the *Canon Law* interprets it of *Bigamy*, that is, of Marrying a ſecond Wife after the death of the firſt, for here there is no Queſtion but the rule holds good, *it is better to Marry then to burn*, as well after the Death of the firſt Wife as before it; but the thing was that

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whereas ſeveral Converts to Chriſtianity were at the ſame time Marryed to more Wives then one, though it was not thought convenient to divorce any that had been actually Married before their converſion, yet it was deſigned to introduce *Monogamy* or the Marriage of one Wife only at one time, for the future, and therefore for examples ſake none were admitted to Offices in the Church, who had at the ſame time been Husbands to more Wives then one, and I do really believe this Caſe of being Married to the deceaſed Wife's half-Siſters Daughter to be after enjoyment a more favourable Caſe and leſs liable to Divorce then that of *Polygamy* naturally ſeems to be, by reaſon of the great ſtrifes and jealouſies that uſually attend it. So that upon the whole matter my opinion is, that the parties concerned in the Caſes that have been mentioned, upon ſuppoſition that the Marriage have received its final Conſummation in the Bed, ought by no means to be ſeparated and divorced from one another, and that ſuch ſeparation cannot be admitted without great ſcandal and reproach to them both, and without diſhonor and deſpite to the Chriſtian Religion, which is ſo very favour-

favourable and tender, *ex poſt facto*, in matters of this nature, and I deſire them both to reflect very ſeriouſly upon our Saviours general Rule, that except it be in very extraordinary Caſes, ſuch as that of the *Inceſtuous Corinthian*, or of *Herods* Marrying his Brother *Philips* Wife, nothing but Fornication can juſtifie a Divorce, or ſecure the Parties ſeparating from each other, from the crime or danger of Adultery.

Jan. 31.
1684.

W

John Turner.

Page 22. Line 7. Mollogamy should be Monogamy.

ERRATA.

PAge 5. Line 25. for Blood read Kin.
p. 11. l. 26. for natural r. mutual.

POST-SCRIPT.

FOR the Second Query, the reſolution of it ſeems to lie ſo plain that I do almoſt wonder to find it propoſed, for in the Caſe of an whole Siſter, that is, a Siſter by Father and Mothers ſide, it is certain that both Parents do equally contribute to the Conſanguinity, and therefore in the half-Siſter, there muſt be an half Conſanguinity, that is, an half Kindred, a Kindred as real as the whole, though not ſo perfect, and by the ſame reaſon that the Conſanguinity of the Wife to the half-Siſter, is leſs perfect, the Affinity of the Husband to the ſaid half-Siſter and the Niece deſcending from her is proportionally imperfect alſo, upon which accounts it is, as I have ſaid, *ex poſt facto*, a favourable Caſe, eſpecially if both, or either of the Parties were ignorant when they Married, of its antecedent unlawfulneſs, and both by reaſon of the diſtance of the Relation and the defect of it, the Marriage after fruition ought not to be diſſolved.

J. T.

FINIS.

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